

**COUNCIL WORK SESSION
MONDAY, SEPTEMBER 20, 2010**

7:00 P.M. PROMPT

- / DISCUSSION OF AGENDA
- / SPECIAL WORK SESSION ON SEPTEMBER 27, 2010
- / BOARD APPOINTMENTS - *next meeting*
- / CODIFIED ORDINANCE 915.03 - MAXIMUM ALLOWABLE GARBAGE ON
TREELAWN
- NOPEC ENERGY GRANT -

Bedford, Ohio

September 20, 2010

Bedford City Council met in a work session at Bedford City Hall on Monday, September 20, 2010 at 7:00 p.m.

Present: Council Members: Mayor Dan Pocek, Warner Batten, Stan Koci, Paula Mizensak, Marilyn Zolata, Greg Pozar, Don Saunders. Also Present: Clerk of Council Kathleen Lynch. Administration: City Manager Henry Angelo, Law Director Ken Schuman, Finance Director Frank Gambosi and Economic Development Director Mike Mallis.

Mayor Pocek began the Work Session with the discussion of the Regular Meeting agenda.

Mr. Schuman said Council was given a revised copy of Ordinance No. 8687-10, the Sweepstakes Terminal Café ordinance. There was some wording revised in the ordinance.

Councilman Koci asked if these establishments would be restricted to the types of signage used. Mr. Schuman said they would be required to follow the regulations the City already has in place.

Mr. Schuman said Council was also give a revised copy of Ordinance No. 8688-10, the Flood Plain Chapter of the Codified Ordinances. There were definitions and dates that were missing from the ordinance but have since been filled in. This ordinance is a requirement by the Ohio Department of Natural Resources.

Ordinance No. 8726-10 is to amend the original ordinance with J & J Refuse. Mr. Schuman said the first ordinance only had the amount for collection included, and not the disposal amount. Mr. Schuman said the budget was correct though, that Mr. Gambosi and Mr. Bellar had the correct amount and it is still a savings of \$50,000 per year for the City.

At this time, a discussion of the maximum allowable garbage on the treelawn took place. Mr. Schuman said in the past the City has allowed the refuse company to determine if they were going to charge a resident for too much garbage at pick-up time. Therefore, the company is dealing directly with the resident on the cost and collection.

Mr. Angelo said J & J Refuse is going to give us rate, and then it will be between the homeowner and them. This will establish a standardized rate that is fair and equitable. Discussion was concluded.

Mr. Schuman said Ordinance No. 8727-10 is for the purchase of a front loader for the Service Department and was part of the bond proceeds.

Mayor Pocek said Resolution No. 2437-10 is in reference to the commendations that will take place after the meeting is concluded. It is for the rescue that occurred in the Cleveland Metroparks on July 17, 2010.

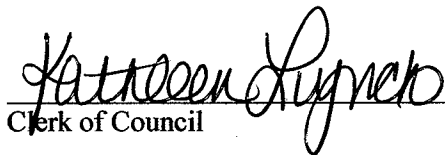
Discussion of the Regular Meeting Agenda was concluded.

The next item on the agenda was to discuss having a Special Work Session on September 27, 2010. Mayor Pocek said the Impact Group would like to meet with Council in regards to the City's marketing campaign. It was determined that the work session would be held on Monday, September 27, 2010 at 9:00 a.m.

The next item on the agenda was the discussion of board member appointments. There were several members whose appointments expired or are going to expire. All members expressed interest in continuing to serve on the boards they are on. It was determined these members would be put on the next Council agenda for re-appointment.

The last item on the agenda was the discussion of the NOPEC Energy Grant the City received. Mr. Angelo said the City received a grant in the amount of \$144,000. Mr. Mallis gave Council an information sheet on what the City will be doing with the grant. Items include energy audits at City buildings, a community lottery for free installation of a programmable thermostat and energy education seminar for the residents of Bedford.

Work Session was adjourned at 7:55 p.m.


Clerk of Council


Mayor – President of Council

AGENDA

TIME: 8:00 P.M.

1. CALL TO ORDER2. PLEDGE OF ALLEGIANCE3. ROLL CALL -all4. APPROVAL OF MINUTES

- a. Approval of Minutes of the Work Session of September 13, 2010
b. Approval of Minutes of the Regular Meeting of September 13, 2010

-prB-all
24x7all

5. OLD BUSINESS

- a. Ordinance No. 8687-10, enacting Chapter 749 of the Bedford Codified Ordinances entitled "Sweepstakes Terminal Café" – 1st reading 08/23/10, 2nd reading 09/13/10
b. Ordinance No. 8688-10, replacing Chapter 1955 of the Bedford Codified Ordinances with a new Chapter 1955 – 1st reading 08/23/10, 2nd reading 09/13/10

6. REPORTS

- a. City Manager
b. Law Director -No
c. Finance Director
d. Council Reports

7. NEW BUSINESS

- a. Ordinance No. 8726-10, amending Ordinance No. 8638-10 authorizing the City Manager to enter into a contract with J & J Refuse, Inc. (approximately \$680,000.00)
b. Ordinance No. 8727-10, authorizing the purchase of a Case 621E XR Articulated Wheel Loader through the State Cooperative Purchasing Program (\$121,751.28)
c. Resolution No. 2437-10, honoring and giving public recognition to members of the Bedford Fire Department, Bedford Police Department, Maple Heights Fire Department, Walton Hills Police Department and Metro Park Rangers

8. HEARING OF CITIZENS9. ADJOURNMENT

24x7 all

PRESENTATION OF COMMENDATIONS TO IMMEDIATELY FOLLOW THE MEETING

Bedford City Council met in regular session at Bedford City Hall on Monday, September 20, 2010. Mayor Pocek called the meeting to order at 8:00 P. M. The meeting was opened by pledging allegiance to the flag.

Mayor Pocek informed the audience that there will be a presentation of commendations to numerous safety force members that were involved in an incident on July 17, 2010. They put their own lives at risk to save an individual in the Bedford Glens. The individuals will be given their commendations at the end of the meeting.

The roll was called. Present: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Mizesak.

Motion made by Pozar seconded by Batten to approve the minutes of the Work Session of September 13, 2010. The roll was called. Vote - Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Zolata seconded by Koci to approve the minutes of the Regular Meeting of September 13, 2010. The roll was called. Vote - Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Mizesak seconded by Koci to amend Ordinance No. 8687-10 based on the language and documentation received from the Law Director and discussed in the Work Session. The roll was called. Vote - Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Mizesak. Nays: None. Motion carried unanimously.

ORDINANCE NO. 8687-10, an ordinance enacting Chapter 749 of the Bedford Codified Ordinances entitled "Sweepstakes Terminal Café" and declaring an emergency placed on first reading August 23, 2010 and second reading September 13, 2010 was read by title only. Motion made by Zolata seconded by Batten to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote - Yeas: Pocek, Saunders, Zolata, Batten, Koci, Mizesak. Nays: Pozar. Motion carried.

Motion made by Zolata seconded by Mizesak to place Ordinance No. 8687-10 on third and final reading and passed.

Mr. Schuman said this has been discussed at length for the course of several months. Sweepstakes Terminal Cafes have come to the State of Ohio recently. The Court of Appeals has said that they are legal, and cities are allowed to exert local control over them. That is essentially what this ordinance does. These are establishments where mostly senior citizens will go for entertainment. When you go in, you buy a phone card and there is a slot machine there, but it is a predetermined card. So the individual can either go to the person running the place and give them the card to see if you won, or you can load the card into the slot machine and pull the slot machine and it is the same predetermined prize. It doesn't matter if you give it to the owner, or run it through the slot machine. Many people believed it was illegal gambling, but it did go to the Court of Appeals and it was determined it was not. There are still certain cities that are opposing these and litigation in Akron.

Councilman Pozar said if the Court of Appeals already ruled on it would that not render any other type of appeal? Mr. Schuman said there was one in Toledo that was determined to be ok, but in Akron they are challenging that ruling. There are different Courts of Appeals. Councilman Pozar said the jury is still out on some of them, is that correct. Mr. Schuman said yes on some of them.

Councilman Saunders was involved in the Akron case, through Northfield Center. Summit County has copied the City of Akron and it is being court challenged. Mr. Saunders has seen in Springfield Township where people have dropped their entire paycheck. He is not exactly in favor of this type of operation, however the City does need regulations in place.

Mayor Pocek said many people feel these will disappear when the casino is established.

The roll was called. Vote – Yeas: Pocek, Saunders, Zolata, Batten, Koci, Mizesak. Nays: Pozar. Motion carried.

Motion made by Saunders seconded by Koci to amend Ordinance No. 8688-10 based on the language and documentation received from the Law Director and discussed in the Work Session. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Mizesak. Nays: None. Motion carried unanimously.

ORDINANCE NO. 8688-10, an ordinance replacing Chapter 1955 of the Bedford Codified Ordinances with a new Chapter 1955 and declaring an emergency placed on first reading August 23, 2010 and second reading September 13, 2010 was read by title only. Motion made by Saunders seconded by Zolata to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Koci seconded by Batten to place Ordinance No. 8688-10 on third and final reading and passed.

Mr. Schuman said the flood plains have been revised and this ordinance was required to be passed allowing certain people that are in the flood plain to obtain flood insurance if they want.

Councilman Saunders asked if these were being based off of the new FEMA flood maps. Mr. Schuman said the information was received from the engineer, and he did indicate that is where the information came from.

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Mizesak. Nays: None. Motion carried unanimously.

The City Manager said there will be a third round of Neighborhood Stabilization Program grant funding and there will be a meeting on Friday. Council had requested, and will have out this week information for voters on the Charter amendments. Mr. Angelo said the City received a NOPEC grant for \$144,000, for education, energy audits, etc. There will be seminars and information provided.

Mayor Pocek said not only is the City trying to make our buildings more energy efficient, but it will extend out to the community. The seminar for residents will be on October 25, 2010 and is open to the public.

No report from the Law Director.

The Finance Director said the City did the CCA cross-check with our tax files, and there were 400 hits and it is more than likely people that were in and out of the City at different times. The number was a little bit less than what other cities have come across.

Mayor Pocek attended the Weekend of the Pooka this past weekend, and it was a wonderful event. It was really well done, and he wants to compliment the committee led by Joyce Daunch, she did a great job. He said it was a first class event all the way through. Hopefully, this is the start of something that will help put Bedford on the map as a cultural center. This will help promote the City.

Councilman Koci said the Weekend of the Pooka was fabulous, better than hoped for. There was a concert by Apollo's Fire on Friday night, followed by a champagne reception. This type of event has not been seen around this town ever. It was very classy, and people were so pleased about it and want to do it again. A couple that lives in the Presidential District said it was so nice to get dressed up, walk down Broadway and have a fabulous concert in the old church and a reception put on by Catered Elegance. They liked being able to do it in their own home town. It was such a compliment for all the hard work that went into this. Mr. Koci said on Saturday there were activities for the kids, the mural that was done is now in the hallway outside of Council Chambers. The Art Show was well done, and the artists that participated want to come back next year. This is another aspect of the City that is out there. There are so many local artists, three of the featured musicians were from Bedford. People talk about going to Tremont, the Gordon District and the Waterloo District, well we hope to create the Southeast Corridor District for the arts in Bedford. It will have a very positive affect on the City as it grows.

Councilman Koci said there will be a new waterline put in on Solon Road. There will be some construction, but it is needed in that area and will be starting soon.

Councilwoman Zolata said the Weekend of the Pooka was a result of a trip orchestrated by Mayor Pocek that Council took to Ferndale, Michigan. As a result the Arts and Cultural Board was formed. It was a wonderful weekend. Joyce Daunch and Stan Koci led the brigade. It was a wonderful event.

Mrs. Zolata said there is a fundraiser at Light of Hearts on October 10. It is a magnificent affair.

Councilwoman Mizzak congratulated Councilman Koci on the Weekend of the Pooka. He always wanted to do something different for the community and it was well done.

Councilman Pozar said a situation exists that probably would disgust anyone in this room if they were victims of it, especially if it reoccurred on an annual basis. This situation exists on the corner of Gould and Kenyon, it is a sewer back up. He thought ten or twelve years ago the problem had been corrected, and apparently it has not. Mr. Pozar brought it to the attention of the City Manager, and he has agreed to look into the situation. One of the things that troubled him is the way this was reported. The residents involved called the non-emergency number and were told the City no longer calls out the Service Department for raw sewage coming up into a home. He thinks this is an emergency situation, but the residents were referred to call back in the morning. Mr. Pozar asked if the City Manager could report back to him at the next meeting what the protocol is. If it has changed it is a surprise to him. He will give the City Manager the addresses so he can look into the history of the service calls for the last 25 years and try to isolate a problem that exists there and a specific plan to correct it. Mr. Pozar said this is an instance that Council would find a way to do that if it were on their street. Perhaps the Finance Director could investigate the possibility of federal infrastructure dollars. The City needs to seriously address this with a plan.

Councilman Saunders thanked the City Manager and the Police Department who have been doing a good job on handling the issues with juveniles in the area. On Friday and Saturday nights there still needs to be more work done on curfew violations, but they are certainly making progress in what has been going on. The Fire Department's Annual Clambake is on October 2, 2010 and he hopes everyone will attend that as well. It is good to see the infrastructure projects being done with the City's bond proceeds. It would have been nice if Rockside Road was done on the County level through Bedford, instead of skipping all over the place.

The City Manager said the intersection of Center Road and Rockside will not be done this winter. He met with the Project Manager and they are skipping around and that section is being skipped. Mr. Angelo still does not understand why that section is being skipped, but they were told it was because of the amount of concrete that will have to be poured in that section, there is not enough time. He was told that the County would be in and out of Bedford by November 15, 2010. They did change the schedule verbally and it was not communicated to the City of Bedford.

Councilman Saunders asked if the contractor was responsible for keeping that intersection riding area, or is the City still responsible?

Mr. Angelo said they are only responsible for maintaining traffic.

The Mayor said at a meeting with Mr. Mallis and the members of the Automobile there were two individuals there from the County Engineer's office stating how they were going to proceed. Why they are doing it this way, we don't know and are at their mercy.

ORDINANCE NO. 8726-10, an ordinance amending Ordinance No. 8638-10 authorizing and directing the City Manager to enter into a contract with J & J Refuse, Inc. being the lowest, responsive and responsible bidder, and declaring an emergency was read by title only. Motion made by Zolata seconded by Batten to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Pozar seconded by Mizesak to place Ordinance No. 8726-10 on third and final reading and passed.

Mr. Schuman said the Service Director provided him with the refuse contract, and there are two components to it, the collection and the disposal. He did not have the disposal costs when the original ordinance was passed. The original ordinance was just for the collection costs. This ordinance is for the total amount of the contract. Mr. Schuman said it does not affect the budget, both Mr. Gambosi and Mr. Bellar had the correct total amount for the contract, but forgot to give Mr. Schuman the disposal number. It is a correction.

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Mizesak. Nays: None. Motion carried unanimously.

ORDINANCE NO. 8727-10, an ordinance authorizing the purchase of one (1) Case 621E XR Articulated Wheel Loader, Index # STS515, Contract ID# 7751500807, through the State Cooperative Purchasing Program and declaring an emergency was read by title only. Motion made by Zolata seconded by Saunders to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Mizesak seconded by Saunders to place Ordinance No. 8727-10 on third and final reading and passed.

Mr. Angelo said this is part of the bond issue that was presented, it is to replace a front end loader in the Service Department.

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Mizesak. Nays: None. Motion carried unanimously.

RESOLUTION NO. 2437-10, a resolution of the Council of the City of Bedford honoring and giving public recognition to members of the Bedford Fire Department, Bedford Police Department, Maple Heights Fire Department, Walton Hills Police Department and Cleveland Metroparks Rangers for their brave efforts and actions during a rescue in the Cleveland Metroparks on July 17, 2010 was read by title only. Motion made by Mizsak seconded by Koci to adopt Resolution No. 2437-10. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Miszak. Nays: None. Motion carried unanimously.

Mayor Pocek said that concluded the business portion of the meeting and asked if in anyone in the audience had any comments.

Tim Fetterman, 78 Gould, said Councilman Pozar brought up the topic he came to speak about tonight, the sewer back up at his home. He thanked Councilman Pozar for bringing it up and if he could be kept up to date on what transpires that would be appreciated.

Sandra Ball, 80 Ellenwood, said for clarification, you do not necessarily have to be in a flood plain to buy flood insurance, as long as your community participates in a flood insurance program. Ms. Ball asked if the houses with the sewer back up are the same houses that had the back up before the line came down Kenyon to Ellenwood? She was under the impression when the line came down from Kenyon to Ellenwood, that was to relieve that problem along with the lining in the sewer. Mayor Pocek said the City has to find out why it is still happening. Ms. Ball asked if it was possible they need a separate sewer line, like they now have on Ellenwood? Mayor Pocek said it is all speculation at this point, the information was just received tonight and Mr. Angelo will speak with the City Engineer about it. Ms. Ball said on Ellenwood there has not been problem since there new sewer line was installed.

Mr. Pozar said Ms. Ball may be correct, a separate line may be needed because of the various lines under Wandle, Eldred, Kenyon and Gould.

Dick Bender, 69 Wandle, said he and his wife were particularly excited to be an exhibitor at the Art Show. They did very well at the show, and the exhibitors at the show were so excited, wanting to know if they were going to have this again next year. It is something the City should be really proud of and they were happy to be a part of it.

Helen Briggs, 149 Grand Blvd, said the Apollo's Fire concert was fantastic. She brought a friend from Aurora and she was very impressed. It is something to be very proud of, and hopes they bring Apollo's Fire back.

Mayor Pocek asked if there were any further comments. There being no reply, motion made by Koci seconded by Pozar to adjourn. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Pocek. Nays: None. Motion carried unanimously.

Meeting adjourned at 8:35 P.M.


Clerk of Council


Mayor – President of Council